

BARTON BARTON & PLOTKIN LLP

Thomas P. Giuffra (TG 1274)
420 Lexington Avenue, 18th Fl.
New York, NY 10170
(212) 687-6262
tgiuffra@bartonesq.com
Attorneys for Defendants

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

Angela DiPilato,

Plaintiff,

-against-

7-Eleven, Inc., Jeanne Lynch, Martina Hagler
and Arthur Rubinett,

Defendants.

07 cv 7636 (CLB)
ECF Case

**NOTICE OF MOTION
PURSUANT TO
FED. R. CIV. P. 12(b)(6)
AND 12(f)**

PLEASE TAKE NOTICE that defendants 7-Eleven, Inc., Martina Hagler and Arthur Rubinett, upon said defendants' accompanying memorandum of law and the exhibits thereto, and upon the Declaration of Martina L. Hagler, will move this Court, pursuant to Fed. R. Civ. P. 12(b)(6), for an order dismissing the Complaint in its entirety on the ground that it fails to state a claim upon which relief may be granted and pursuant to Fed. R. Civ. P. 12(f) for an order striking plaintiff's claim for specific performance.

Dated: September 17, 2007

BARTON BARTON & PLOTKIN LLP

By: /s/ Thomas P. Giuffra
Thomas P. Giuffra (TG 1274)

Attorneys for Defendants
420 Lexington Avenue, 18th Floor
New York, NY 10170
(212) 687-6262

Eric A. Welter (*Motion for admission pro hac vice to be submitted*)

WELTER LAW FIRM, P.C.

720 Lynn Street, Suite B

Herndon, Virginia 20170

(703) 435-8500

To: Angela DiPilato
541 Pelham Road, Suite 2J
New Rochelle, New York 10805
(914) 563-4510